

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE VEECO INSTRUMENTS INC. : 05 MD 1695 (CM)(GAY)
SECURITIES LITIGATION :
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THIS DOCUMENT RELATES TO: :
ALL ACTIONS :
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**NOTICE OF MOTION AND MOTION *IN LIMINE*
TO BIFURCATE THE TRIAL OF THE SECURITIES ACTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that Defendant Veeco Instruments Inc. will and hereby does move this Court, before the Honorable Colleen McMahon, at a date and time to be determined by the Court, to bifurcate the securities class action trial into liability and damages phases in order to determine first the issue of liability on the grounds that the early resolution of this dispositive issue is consistent with Federal Rule of Civil Procedure 42(b).

This Motion is based upon the attached Memorandum of Law, the Declaration of J. Ross Wallin and Exhibits attached thereto, all pleadings and papers on file in this action, and such other written or oral arguments as may be permitted by the Court at the hearing of this Motion for Bifurcation.

Dated: New York, New York
June 6, 2007

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